

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

VICTORIA A. JACKSON, individually,
and as Surviving Wife of DANIEL A.
JACKSON, Deceased,

Plaintiff,

v.

No. 15-1180

FORD MOTOR COMPANY,
GOLDEN CIRCLE FORD, LINCOLN,
MERCURY, INC., and STEVE MARSH
FORD, INC.,

Defendants.

ORDER DIRECTING PLAINTIFF TO
FILE A BRIEF ON FRAUDULENT JOINDER

On July 22, 2015, Defendant, Ford Motor Company, filed a notice of removal of this case from Benton County (Tennessee) Circuit Court. (Docket Entry (“D.E.”) 1.) Subject matter jurisdiction for removal was based upon diversity of citizenship pursuant to U.S.C. § 1332(a)(1). (*Id.* at 4.) In its notice, Ford argued that although Plaintiff, Victoria A. Jackson, is a Tennessee resident and both Defendants, Golden Circle Ford, Lincoln, Mercury, Inc. and Steve Marsh Ford, Inc., are Tennessee corporations, complete diversity exists because the two Tennessee defendants were fraudulently joined and therefore their citizenship must be disregarded.¹ (*Id.*) According to the docket, Jackson has failed to address Defendant’s removal or fraudulent joinder allegation. This Court must first determine if it possesses jurisdiction over the instant matter before addressing the merits of any pending motion. *See* 28 U.S.C. § 1332; *Lincoln Prop. Co. v. Roche*,

¹Ford is a citizen of the states of Delaware and Michigan for diversity purposes. (D.E. 1 at 4.)

546 U.S. 81, 84 (2005) (“Defendants may only remove an action on the basis of diversity of citizenship if there is complete diversity between all named plaintiffs and all named defendants, and no defendant is a citizen of the forum State.”) In order for the Court to properly evaluate the issue, Plaintiff is directed to submit a brief within fifteen (15) days of entry of this Order specifically addressing Defendant’s claim of fraudulent joinder.

IT IS SO ORDERED this 14th day of October 2015.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE